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Customer Number

Patent  
Case No.: 63448US005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Named Inventor: POOLE, ANTONY G.

Application No.: 10/539404

Confirmation No.: 4593

Filed: September 3, 2003

Title: TREATMENT OF PIPES

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**RESPONSE TO RESTRICTION REQUIREMENT—ELECTION OF SPECIES**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]**

I hereby certify that this correspondence is being:

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\_\_\_\_\_  
Date November 5, 2008

\_\_\_\_\_  
/Theresa T. Collier/  
Signed by: Theresa T. Collier

Dear Sir:

This is in response to the Examiner's office action dated October 6, 2008.

**Interview Summary**

Applicant thanks Examiner Hook for the constructive telephone interview of October 29, 2008. During the interview, Examiner Hook explained the Election/Restriction of October 6, 2008. Applicant's representative clarified that the lining material and the filling material were separate elements of the same invention of claim 1.

**Election of Species**

Claims 1, 3-10, 12-15, 18-33, 35-39, 41-47 and 49 are pending. As best understood by the Applicant, the following species have been identified under PCT Rule 13.1 as follows:

Species (1) - a method of pipe repair; and

Species (2) - a method of assembling a pipe and lining.

For this election, Applicant provisionally elects Species (1), a method of pipe repair, without traverse.

The following additional species were identified -- the election of one of the types of coupling used such as a spigot, welded or bolted. Applicant respectfully submits that these types of couplings are related to Species (2) above. As Applicant elected Species (1) above, Applicant submits that an election related to a particular type of coupling is moot.

Further, the following species were also identified -- an election of one type of lining material used such as polyurea or a two part resin system. Applicant respectfully traverses this aspect of the election/restriction. As discussed in the telephone interview, Species (1), corresponding to claim 1, recites both a "lining material" and a "filling material" as separate elements of the same invention. This distinction is further described in the specification (see PCT Appl. No. PCT/GB2003/003833) at page 12, lines 15 et seq. (describing a polyurea as a preferred lining material) and at page 15, lines 27 et seq. (describing a two-part resin as a preferred filling material). Accordingly, Applicant respectfully submits that the elected species may include a polyurea as a lining material and/or a two-part resin as a filling material. Even though this election is traversed, Applicant provisionally elects a species where polyurea is the lining material. The Examiner is invited to call Applicant's representative if a further election is required.

The Examiner further directed Applicant to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable.

Accordingly, Applicant provisionally elects Species (1) -- a method of treating a pipe -- wherein Applicant respectfully submits that at least claims 1, 3-6, 15-22, 25-39 and are readable thereon. Applicant also respectfully submits that apparatus claims 41-49 are generic to the elected species.

Conclusion

Continued prosecution of this application is respectfully requested.

It is believed that no fee is due; however, in the event a fee is required, please charge the fee to Deposit Account No. 13-3723. The Examiner is invited to contact the undersigned at the indicated telephone number with questions that can be resolved with a simple teleconference.

Respectfully submitted,

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\_\_\_\_\_  
November 5, 2008  
Date

By: \_\_\_\_\_/Gregg H. Rosenblatt/  
Gregg H. Rosenblatt, Reg. No.: 45,056  
Telephone No.: 512-984-7443

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Office of Intellectual Property Counsel  
3M Innovative Properties Company  
Facsimile No.: 651-736-3833